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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013- 630

13 **DUANE MARK JENNER,**  
14 **aka DUANE JENNER**  
15 **1079 Elm Street, NW**  
16 **Salem, OR 97304**

**A C C U S A T I O N**

17 **Registered Nurse License No. 695622**

Respondent.

18 Complainant alleges:

**PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about January 22, 2007, the Board issued Registered Nurse License Number  
23 695622 to Duane Mark Jenner, also known as Duane Jenner ("Respondent"). Respondent's  
24 registered nurse license expired on November 30, 2008.

**STATUTORY PROVISIONS**

25 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
26 the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the  
11 following:

12 . . . .

13 (4) Denial of licensure, revocation, suspension, restriction, or any other  
14 disciplinary action against a health care professional license or certificate by another  
15 state or territory of the United States, by any other government agency, or by another  
16 California health care professional licensing board. A certified copy of the decision  
17 or judgment shall be conclusive evidence of that action . . .

#### 18 **COST RECOVERY**

19 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licensee found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case. Failure to pay all of the costs may subject the license to not being  
23 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
24 included in a stipulated settlement.

#### 25 **CAUSE FOR DISCIPLINE**

##### 26 **(Disciplinary Action by the Oregon State Board of Nursing)**

27 7. Respondent is subject to disciplinary action pursuant to Code section 2761,  
28 subdivision (a)(4), on the grounds of unprofessional conduct, in that he was disciplined by the  
Oregon State Board of Nursing ("Oregon Board"), as follows: On or about November 16, 2011,  
pursuant to the Final Order in the disciplinary proceeding titled "In the Matter of Duane Jenner,  
RN", Reference No. 11-02419, the Oregon Board approved and adopted the Stipulation for

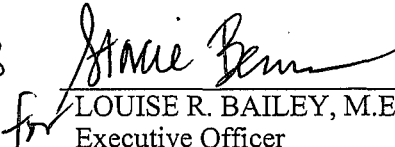
1 Voluntary Surrender of Respondent's license to practice registered nursing in the state of Oregon.  
2 The disciplinary proceeding was based on Respondent's failure to comply with the terms and  
3 conditions of the Health Professional Service Program (Respondent admitted that he failed to test  
4 as required in the random selection process). True and correct copies of the Final Order and the  
5 related Stipulation for Voluntary Surrender of Registered Nurse License are attached hereto as  
6 exhibit A and incorporated herein.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 695622, issued to Duane  
11 Mark Jenner, also known as Duane Jenner;
- 12 2. Ordering Duane Mark Jenner, also known as Duane Jenner, to pay the Board of  
13 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
14 pursuant to Business and Professions Code section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: February 19, 2013

  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**EXHIBIT A**

**Final Order; Stipulation for Voluntary Surrender of Registered Nurse License**

BEFORE THE OREGON  
STATE BOARD OF NURSING

In the Matter of  
Duane Jenner, RN

) STIPULATION FOR  
) VOLUNTARY SURRENDER  
) OF REGISTERED NURSE LICENSE  
) Reference No. 11-02419

License No. 086000309RN

The Oregon State Board of Nursing (Board) is the agency responsible for the licensure and regulation of registered nurses in the State of Oregon. Duane Jenner (Licensee) is a registered nurse in Oregon. He received his Oregon license on August 25, 1986.

On or about February 15, 2011, Licensee was reported to the Board for non-compliance with the Health Professional Service Program (HPSP). According to the report, Licensee had provided several dilute urine specimens, between July 1, 2010 and February 17, 2011. Further testing to the lowest levels of detection of a dilute specimen provided by Licensee in January 2011, was positive for traces of Oxymorphone. No concerns regarding Licensee's practice were received from Licensee's employer.

On March 10, 2011, Licensee signed an Interim Order by Consent, voluntarily removing himself from practice pending further order by the Board. Licensee continued participation with the HPSP program. However, further reports of non-compliance for missed urine drug tests were reported to the Board between May 2011 and September 2011.

On September 15, 2011, Licensee requested to discontinue participation in the HPSP program and voluntarily surrender his nursing license as a means of resolving the present disciplinary matter. He stated that he could no longer afford the cost of the program. Licensee denied that he had relapsed or used any narcotic medications. However, he had no explanation for the positive urine drug screens. Licensee acknowledged that by failing to test as required in the random selection process, he had failed to comply with the terms and conditions of the HPSP program.

The above conduct constitutes a violation of the provisions of ORS 678.111 (1) (g); and OAR 851-070-0100 (1) (k) and (l) and (2) which provides as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

Substantial Non-Compliance Criteria OAR 851-070-0100

(1) The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement within one business day after the HPSP learns of the non-compliance, including but not limited to information that a licensee:

(k) Violated any provisions of OAR 851-070-0080;

Duane Jenner  
Stipulation for Voluntary Surrender

(1) Violated any terms of the diversion agreement.

(2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

Licensee wishes to cooperate with the Board and agrees to voluntarily surrender his registered nurse license. Therefore the following will be proposed to the Oregon State Board of Nursing and is agreed to by Duane Jenner:

That the Voluntary Surrender of the registered nurse license of Duane Jenner be accepted. That Mr. Jenner shall receive credit for the time he voluntarily removed himself from practice by signing the Interim Order by Consent on March 10, 2011. If after a minimum of three years from that date, he wishes to reinstate his registered nurse license, Mr. Jenner may appear before the Board to request reinstatement of his license as a registered nurse. Should the Board reinstate the registered nurse license of Mr. Jenner, he would be subject to whatever terms and conditions the Board may impose.

Licensee understands that this Stipulation will become a public record at such time as the Board issues an Order adopting it.

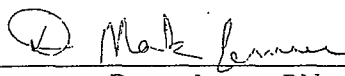
Licensee understands that by signing this Stipulated Agreement he waives the right to an administrative hearing. He acknowledges that no promises or representations have been used to induce him to sign this Stipulation.

Licensee has read the Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

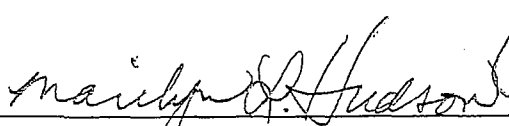
Licensee agrees that he will not practice as a Registered Nurse from the date of his signature on this Stipulation.

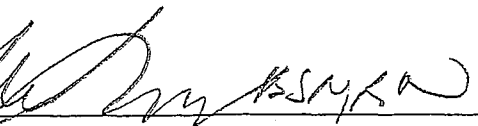
Licensee understands this Stipulation will be submitted to the Board of Nursing at their next meeting for approval and is subject to the Board's confirmation.

Dated this 26 day of September, 2011.

  
\_\_\_\_\_  
Duane Jenner, RN

FOR THE OREGON STATE BOARD OF NURSING

  
\_\_\_\_\_  
Marilyn Hudson RN, MSN, CNS, FRE  
Investigation Manager  
Investigation Department

  
\_\_\_\_\_  
Michelle Standridge BSN, RN  
Nurse Investigator  
Investigation Department

Duane Jenner  
Stipulation for Voluntary Surrender

BEFORE THE OREGON  
STATE BOARD OF NURSING

In the Matter of  
Duane Jenner, RN

FINAL ORDER

License No. 086000309RN

Reference No. 11-02419

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Duane Jenner (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on November 16, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender signed by Licensee on September 26, 2011, and so dispense with this Matter pursuant to ORS 183.417(3).

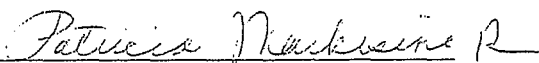
Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

**ORDERED** that the Stipulation signed by Licensee on September 26, 2011, be approved and by this reference incorporated herein, and it is further

**ORDERED** that the Board adopt the Stipulation and that the Voluntary Surrender of the Registered Nurse License of Duane Jenner be accepted as set forth in the Stipulation.

DATED this 16 day of November, 2011

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Patricia Markesino, RN  
Board President